



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

January 25, 2019

Memorandum for: Deputy Commissioner, Trials

Re: **Sergeant Pete Massa**  
Tax Registry No. 904471  
114 Precinct  
Disciplinary Case No. 2017-18079

The above named member of the service appeared before Assistant Deputy Commissioner Jeff S. Adler on October 15, 2018 and November 7, 2018, and was charged with the following:

**DISCIPLINARY CASE NO. 2017-18079**

1. Said Sergeant Pete Massa, while assigned to Narcotics Borough Bronx, on or about and between February 1, 2016 and April 30, 2017, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department to wit: said Sergeant made religion based disparaging remarks to several uniformed members of the service.

**P.G. 203-10, Page 1, Paragraph 5**

**PUBLIC CONTACT  
PROHIBITED CONDUCT**

2. Said Sergeant Pete Massa, while assigned to Narcotics Borough Bronx, on or about and between February 1, 2016 and April 30, 2017, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department to wit: said Sergeant made disparaging remarks about Haitians and Dominicans.

**P.G. 203-10, Page 1, Paragraph 5**

**PUBLIC CONTACT  
PROHIBITED CONDUCT**

3. Said Sergeant Pete Massa, while assigned to Narcotics Borough Bronx, on or about and between August 1, 2016 and December 31, 2016, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department to wit: said Sergeant made disparaging remarks about female Members of Service.

**P.G. 203-10, Page 1, Paragraph 5**

**PUBLIC CONTACT  
PROHIBITED CONDUCT**

FIRST DEPUTY COMM.  
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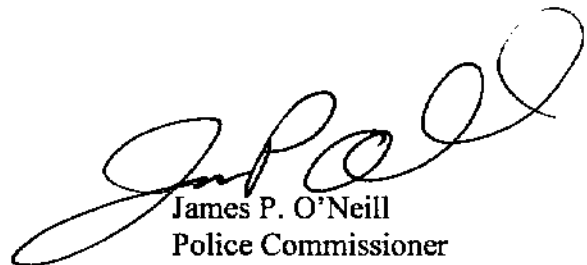
4. Said Sergeant Pete Massa, while assigned to Narcotics Borough Bronx, on or about and between January 1, 2016 and December 31, 2016, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department to wit: said Sergeant made disparaging remarks about the sexual orientation of Priests.

**P.G. 203-10, Page 1, Paragraph 5**

**PUBLIC CONTACT  
PROHIBITED CONDUCT**

In a Memorandum dated December 13, 2018, Assistant Deputy Commissioner Jeff S. Adler found Sergeant Pete Massa Guilty of all Specifications in Disciplinary Case No. 2017-18079. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

In consideration of the totality of the issues and circumstances in this matter, I deem that a period of monitoring is warranted. Therefore, Sergeant Massa's disciplinary penalty shall be the forfeiture of thirty (30) vacation days and the imposition of one (1) year dismissal probation.



James P. O'Neill  
Police Commissioner



POLICE DEPARTMENT

December 13, 2018

-----X  
In the Matter of the Charges and Specifications :

Case No.

- against - :

2017-18079

Sergeant Pete Massa :

Tax Registry No. 904471 :

114 Precinct :

-----X  
At:

Police Headquarters  
One Police Plaza  
New York, NY 10038

Before:

Honorable Jeff S. Adler  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:

Beth Douglas, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent:

Matthew Schieffer, Esq.  
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399 Knollwood Road  
White Plains, NY 10603

To:

HONORABLE JAMES P. O'NEILL  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

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## CHARGES AND SPECIFICATIONS

1. Said Sergeant Pete Massa, while assigned to Narcotics Borough Bronx, on or about and between February 1, 2016 and April 30, 2017, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Sergeant made religion based disparaging remarks to several uniformed members of the service.

P.G. 203-10 Page 1, Paragraph 5

PUBLIC CONTACT  
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P.G. 203-10 Page 1, Paragraph 5

PUBLIC CONTACT  
PROHIBITED CONDUCT

3. Said Sergeant Pete Massa, while assigned to Narcotics Borough Bronx, on or about and between August 1, 2016 and December 31, 2016, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Sergeant made disparaging remarks about female Members of Service.

P.G. 203-10 Page 1, Paragraph 5

PUBLIC CONTACT  
PROHIBITED CONDUCT

4. Said Sergeant Pete Massa, while assigned to Narcotics Borough Bronx, on or about and between January 1, 2016 and December 31, 2016, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Sergeant made disparaging remarks about the sexual orientation of Priests.

P.G. 203-10 Page 1, Paragraph 5

PUBLIC CONTACT  
PROHIBITED CONDUCT

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on October 15, 2018 and November 7, 2018. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Lieutenant David Camhi, Detective Manuel Cruz, Detective Daniel Rivera, and Detective Josue Marcelin as witnesses. Respondent called Lieutenant Anthony Henry as a witness, and testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's

review. Having reviewed all of the evidence in this matter, I find Respondent guilty of each of the four specifications, and recommend a penalty of thirty (30) vacation days.

## ANALYSIS

This case involves allegations that Respondent made multiple disparaging remarks to various members of the Bronx Narcotics midnight module in 2016 and 2017.

Detective Manuel Cruz testified that he was an investigator in the midnight module in 2016-2017 under the supervision of Respondent. Beginning in September of 2016, Cruz and his wife attended a religious class on Catholicism to help prepare for their communion and confirmation in April of 2017. He explained that he wanted to set an example for his children. According to Cruz, during the time period he was taking the class, Respondent made multiple disparaging remarks about his religion. Cruz recalled that on one occasion where he was discussing his class with Detective Daniel Rivera, Respondent interjected, "The Archdiocese is a haven for faggots." Respondent also stated to Cruz, "I don't know why you're taking those stupid classes – there's no God anyway." Respondent repeatedly made comments while Cruz was enrolled in the class. (Tr. 52-53, 57-58, 78-80)

Cruz testified that Respondent often picked on him in a way that was not very professional. For instance, Cruz described one exchange where Respondent made comments about his being "hefty," to which Cruz replied, "You're the fattest fuck I know." Cruz also heard Respondent make comments about the ethnicity of other members of the module. He testified that in the early half of 2017 there was an occasion where Cruz asked for the whereabouts of Detective Josue Marcelin, a Haitian member of the team; Respondent replied, "He's probably out fucking a goat," which Cruz felt was insulting. Another time, while they were in the car

together. Respondent stated to Cruz that "Spanish people are dirty," but he likes Spanish women. (Tr. 50-51, 54-57, 80-83)

Cruz acknowledged that he did not make any complaints about these comments until he filed an EEO complaint against Respondent on April 26, 2017. He testified that he did not want to be perceived as "the guy who goes and complains about another boss." However, things reached a boiling point between them during a dispute they had earlier that day while out in the field on a buy and bust operation. Specifically, Cruz was on his cell phone with his wife dealing with an emergency situation [REDACTED]

[REDACTED] A call came over the air about a possible perpetrator, and Respondent asked Cruz to hang up the phone so they could respond. As Respondent and Cruz were bickering, Cruz's wife hung up the phone, which made Cruz feel like [REDACTED] On the way to the location they received a message to disregard the initial call, and Cruz and Respondent continued to argue over what had transpired. Cruz denied that he then made a radio transmission where he stated essentially, "Get additional units over here before I punch this asshole in the fucking head." Lieutenant Camhi later told Cruz that he was going to be disciplined for his conduct toward Respondent that day. (Tr. 49, 60-62, 64-73, 76)

Detective Daniel Rivera, another investigator assigned to the midnight module, testified that Respondent made multiple "off-color disparaging remarks" to members of the team. On one occasion when Rivera and Cruz were by the assignment board in the module discussing the latter's Catholicism class, Respondent interjected that "the Archdiocese is a business" and "the priesthood is a haven for faggots." On other days, while Marcelin was heating up his food, Respondent questioned whether he was eating goat meat, "because Haitians like goat meat." Respondent also made comments that "Haitians have sex with goats." Rivera felt these comments about Haitians were juvenile, though he could not be sure whether Marcelin found

them to be offensive. Rivera testified that he did not make a formal complaint against Respondent for the remarks he made, stating that he preferred to address Respondent directly regarding his inappropriate comments, which he did on at least one occasion. (Tr. 87-94, 105-07)

Regarding the April 26 incident between Cruz and Respondent, Rivera testified that he heard Cruz say over the radio, "Someone get over here because I'm going to punch this guy [Respondent] in the face." The day after that incident, Cruz told Rivera about the EEO complaint he had just filed. Rivera subsequently was interviewed by EEO. (Tr. 98, 108)

Detective Josue Marcelin, who is Haitian, testified that from his first night with the midnight module in January 2016, Respondent made him feel unwelcome. When he introduced himself to Respondent, Respondent refused to shake his hand and turned away. During the year that Marcelin was assigned to the module, Respondent made comments that "didn't sit well" with him. For instance, as he was heating up his food, Respondent remarked, "Josh, you're about to eat goat meat? Haitians eat goats. Josh is goat on the inside." Respondent also made comments about how "Haitians do voodoo and kill chickens." Marcelin recalled that during a discussion on why there were no females in the module, Respondent stated that he didn't want women on the team because "females are always on their rags." Marcelin testified that he heard Respondent refer to male Hispanic arrestees as "F'ing Domos." (Tr. 114-19, 126-28)

Marcelin acknowledged that he did not report Respondent for his comments. He explained that he was concerned with the repercussions of making a complaint, that he would be labeled a rat and a snitch. Marcelin testified that he did, however, speak directly to Respondent about some of the remarks. (Tr. 120-21, 129, 132)

Lieutenant David Camhi, Respondent's supervisor in the Bronx Narcotics midnight module, described Respondent as a very competent supervisor who was business-oriented; he expected his subordinates to do their jobs, and he was not concerned with being liked by them.

The lieutenant testified that no member of service complained to him about hearing disparaging remarks by Respondent. He, himself, never heard Respondent make any such remarks.

Lieutenant Camhy did hear Respondent use the phrase "Domo," which the lieutenant believed was just an abbreviation for Dominican. (Tr. 22, 24-27, 29, 35-36)

According to Lieutenant Camhi, early in 2017 Cruz informed him that he was going to be attending a religious class at night, which might interfere with his coming in early for a weekly operation within the unit. Cruz said that he was not comfortable going to Respondent with this information, stating, "You know how Pete is, he's not a religious guy." (Tr. 22-23, 34-35)

Lieutenant Camhi testified that on April 26, 2017, he was notified of the incident on the street between Respondent and Cruz. The lieutenant called them both in to hear what they had to say. Respondent reported that Cruz had said over the radio, "Somebody pick me up before I punch this guy [Respondent] in the face." Lieutenant Camhi and Respondent discussed the possibility of issuing a CD to Cruz, and Respondent said that he would speak about it further with the ICO. (Tr. 30, 33-34)

Lieutenant Anthony Henry testified that he worked with Respondent at Bronx Narcotics for more than four years. He described Respondent as an extremely competent supervisor, "one of the very best." On April 26, 2017, when Henry was the ICO, Respondent approached him for advice regarding the incident with Cruz. Respondent indicated that he was going to issue a CD to Cruz. Henry testified that Respondent told him he expected Cruz to file an EEO complaint, based on what another MOS had told Respondent. (Tr. 137-38, 140, 143)

Respondent testified regarding the incident with Cruz on April 26, 2017. A seller had been apprehended, but a steerer was still at large. While Respondent and Cruz were still at the scene of the apprehension, a call came over the radio from a detective who stated that they may have located the second suspect. Cruz was on his phone with his wife, and ignored Respondent's



instructions to hang up so they could drive to the location of the suspect. Respondent took the car keys from Cruz, and they started driving to the location. Cruz ended his call and began screaming about how he didn't care about the job. Respondent explained that they had a call to which they needed to respond, and Cruz's phone call could wait. A message came over the radio to disregard the call, and Cruz became incensed. He screamed, "This is fucking bullshit. I'm a man....You don't tell me who I can talk to on the phone." Cruz stated over the radio, "Somebody better get the fuck over here before I punch the motherfucker in his head." Cruz then called Respondent a "fucking piece of shit" who he could never work with again, and told Respondent that if he mentioned his wife again Cruz would kill him. They exited the vehicle and another detective had to restrain Cruz from coming at Respondent. Respondent called Camhi from the scene to discuss what had occurred, and later spoke with Henry to get advice on how to proceed. It was decided that CD's would be issued to Cruz for discourtesy and insubordination, and Cruz would be removed from the team. (Tr. 153-60, 173, 189)

According to Respondent, he learned about the EEO complaint two days later. Respondent described himself as a Roman Catholic, with several family members who are religious. He denied saying that priests are faggots, suggesting he might instead have referred to them as pedophiles, since that was an issue in the news regarding lawsuits against the Catholic Church, and two priests had been removed from his former parishes because of such accusations. Respondent testified that he and Cruz had general conversations about theology and dogma, usually inside their patrol car, and they discussed the class that Cruz was taking. Respondent acknowledged that he is opinionated regarding Catholicism. (Tr. 160-61, 164-67, 178)

Respondent testified that the term "Domo" was often used by team members as an abbreviation for Dominican, and that no one ever complained of being offended by that term, including a girlfriend of Respondent's who is Dominican. He denied saying that Haitians have

sex with goats, or that Haitians do voodoo, but he did discuss voodooism with Marcelin, as well as with an undercover officer who also was Haitian; they discussed the Haitian government as well. Respondent admitted that he deliberately refused to shake hands with Marcelin when he first came to the module, since he did not believe that Marcelin had earned his way onto the team. Respondent denied making disparaging remarks about female officers being "on their rags," adding that he had worked with women while he was assigned to several other modules. Respondent insisted that prior to the EEO complaint, he never heard any complaints from his team members about being offended by his comments. (Tr. 162-63, 166-69, 171-72, 180-85, 188)

Respondent is charged with making multiple disparaging remarks to various members of his team. This tribunal is mindful that the EEO complaint was made only after the incident in the field between Respondent and Cruz, where Cruz, himself, was apparently disciplined. Respondent was concerned that Cruz wasn't focusing on the task at hand, and voiced his displeasure to Cruz. Cruz responded by speaking to Respondent in a belligerent manner, and put over the radio a message where he threatened that he was on the verge of punching Respondent in the face. Cruz's behavior was inappropriate, and he was dealt with accordingly.

Even so, the fact that Cruz waited until then to lodge a formal complaint does not negate the validity of the complaint itself. Cruz testified credibly that Respondent said to him that the Archdiocese is "a haven for faggots." Respondent also questioned why Cruz was taking "the stupid classes" since there is no God. On one occasion, Respondent said with reference to Marcelin, "he's probably out fucking a goat," which Cruz found to be insulting.

Moreover, there was corroboration that Respondent made numerous disparaging remarks. Detective Rivera, who had no apparent motive to lie about what transpired, was extremely credible in describing some of these comments. Specifically, he recounted how one day, about

two hours into their tour, Respondent stated that "the priesthood is a haven for faggots." On other occasions, he heard Respondent state that Haitians have sex with goats. Rivera did not file a complaint against Respondent, choosing instead to confront Respondent directly regarding some of the statements he made.

Additional corroboration came from Marcelin, who testified regarding some of the comments made by Respondent about Haitians, such as their eating goat meat, and that Marcelin was goat on the inside. He also made remarks about Haitians doing voodoo in which they killed chickens. On another occasion, he heard Respondent say that he didn't want female officers on the team because "they're always on their rags." Marcelin testified that he heard Respondent repeatedly refer to Hispanic arrestees as "F'ing Domos." It is true that Marcelin also did not file a formal complaint, but he convincingly explained that he was concerned with being labeled a snitch within the team, and I credit his detailed account of what was said to him by Respondent and why he didn't come forward sooner.

Since I credit that Respondent did, in fact, make the statements attributed to him, the remaining issue is whether such statements were disparaging. Defense counsel defined a disparaging remark as "something that's meant to belittle the value and importance of someone or something." Respondent claimed that any comments he made were part of legitimate discussions, and not disparaging remarks. However, in light of the compelling testimony by the detectives, I reject Respondent's self-serving excuse. In the context in which they were made, these statements were gratuitous, insulting, belittling, and served no legitimate purpose. By counsel's own definition, the remarks made by Respondent were disparaging.

Additionally, these were not isolated remarks by Respondent. According to Cruz, "Every time I had the class, [Respondent] made some type of comment." Rivera testified that Respondent made comments about Marcelin eating goat meat, and Haitians having sex with

goats, on more than one occasion. Marcelin stated that Respondent made comments regarding Haitians throughout the duration of Marcelin's one-year assignment to the midnight module. For a supervisor to create a working environment replete with derogatory remarks such as these runs completely counter to the good order, efficiency, and discipline of the Department. With that in mind, we turn to each of the four specifications.

Specification 1 charges Respondent with making religion-based disparaging remarks, while Specification 4 charges Respondent with making disparaging remarks about the sexual orientation of priests. Cruz was attending a religious class on Catholicism in preparation for his confirmation, which was clearly quite meaningful to him. Nevertheless, Respondent chose to question why Cruz was taking the "stupid" religious classes since "there is no God anyway." Given the importance of the class to Cruz, comments such as this were belittling and inappropriate, and unacceptable from a supervisor in a workplace environment. Also, on one occasion, Cruz and Rivera were discussing Cruz's class on Catholicism when Respondent, who was not even part of the original conversation, interjected that the priesthood "is a haven for faggots." In that context, the remark was not a legitimate comment on an item in the news; rather, it was a gratuitous, insulting statement directed toward Cruz, and implicating the Catholic Church in general and Cruz's participation in it. The credible evidence has proven that Respondent made religion-based disparaging remarks, as well as disparaging remarks about the sexual orientation of priests, and I find him guilty of Specifications 1 and 4.

Specification 2 charges Respondent with making disparaging remarks about Haitians and Dominicans. The credible evidence has established that Respondent made demeaning comments about Haitians eating goat meat, and stated that Marcelin "is goat on the inside." Respondent made statements about Haitians doing voodoo and killing chickens. Also, Respondent made comments about Haitians having sex with goats. All of these comments were insulting to

Marcelin and Haitians in general, and had no place in the workplace. Additionally, Respondent repeatedly referred to Hispanic arrestees as "F'ing Domos." On the one hand, there was testimony that the term was merely a commonly used abbreviation for Dominicans.

Nevertheless, when prefacing the term "Domos" with the expletive "F'ing" to refer to certain arrestees, the use of the expression was deprecating, not innocuous, and was not acceptable conduct from a supervisor. The credible evidence has established that Respondent made disparaging remarks about Haitians and Dominicans, and I find him guilty of Specification 2.

Specification 3 charges Respondent with making disparaging remarks about female members of the service. Specifically, while discussing the possibility of adding personnel to the module, Respondent stated he didn't want females on the team because they're moody and "always on their rags." Respondent's suggestion that he's worked with women in other modules was not persuasive in neutralizing these insulting comments. Accordingly, I find Respondent guilty of Specification 3.

### PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on August 30, 1993. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum. Respondent has no disciplinary record.

Respondent has been found guilty of making multiple disparaging remarks to various members of the Bronx Narcotics midnight module. The Advocate asks that Respondent forfeit twenty-five (25) vacation days. Considering the egregious circumstances of this case, a higher penalty is warranted. In *Disciplinary Case No. 2015-14511* (Jul. 19, 2016), a 12-year sergeant

with no disciplinary record negotiated a penalty of thirty (30) vacation days for making disparaging remarks to Dominican officers about their ethnicity.

On the one hand, this tribunal is mindful of Respondent's solid history with the Department. Respondent has no disciplinary record. From the vantage point of the defense, Respondent possessed strong attributes as a narcotics sergeant. Lieutenant Camhi, a witness called by the prosecution, described Respondent as a very competent supervisor who knows how to do his job. Lieutenant Henry went even further in praising Respondent's supervisory skills, calling him "one of the very best."

Nevertheless, even if Respondent was productive in his day-to-day supervision of the module, that did not absolve him of his responsibility to conduct himself professionally. Members of his team testified regarding the belittling nature of Respondent's remarks, making it apparent that the morale in his unit was damaged. Respondent's authority as a supervisor was significantly undermined by his comments. Moreover, Respondent's gratuitous insults demeaned more than the individuals to whom they were directed; with his words, Respondent maligned multiple classes of people in general. Comments such as these, coming from a supervisor with more than 20 years of service at the time, constituted unacceptable work-place conduct, and there must be appropriate accountability. Taking into account the totality of issues and circumstances in this matter, I recommend that Respondent forfeit thirty (30) vacation days.

Respectfully submitted,

**DISAPPROVED**  
JAN 25 2019  
**POLICE COMMISSIONER**



Jeff S. Adler  
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
SERGEANT PETE MASSA  
TAX REGISTRY NO. 904471  
DISCIPLINARY CASE NO. 2017-18079

Respondent was appointed to the Department on August 30, 1993. He received the following ratings on his last three annual evaluations: in 2014, Respondent received an overall rating of 4.0 "Highly Competent"; in 2016, he received an overall rating of 4.5 "Extremely Competent/Highly Competent"; and in 2017, Respondent received an overall rating of 4.0 "Highly Competent." He has received two medals for Excellent Police Duty and one medal for Meritorious Police Duty. [REDACTED]

He has no formal disciplinary history.

For your consideration.

Jeff S. Adler  
Assistant Deputy Commissioner Trials